

REMARKS

Claims 1-2 and 7-10 are pending in this application. Claims 3-6 and 11-12 were cancelled by preliminary amendment.

Applicant respectfully requests that the Office change the Attorney Docket No. associated with this application from "2685/5778" to --12177/57002--.

The Office Action rejects claims 1-2 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,631,949 to Milton et al. (hereinafter *Milton*). The Office Action rejects claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over *Milton* in view of U.S. Patent No. 5,873,030 to Mechling et al. (hereinafter *Mechling*). These rejections are respectfully traversed.

Applicant asserts that *Milton* fails to disclose at least "determining a time zone associated with a detected location of the recipient . . ." or "determining a second time zone in which the mobile recipient is located . . ." as recited in independent claims 1 or 7, respectively.

Milton relates to a system and method used in a voice mailbox system for audibly reporting to a recipient-subscriber a delta time (*i.e.*, the difference between and first and a second time) since a voice message was recorded in a subscriber's voice mailbox. *Milton* at col. 3, lines 3-33 & 60-63. "[T]he subscriber is provided with the amount of time, in hours and minutes, that has elapsed since the message originator inputted [*sic*] the message to the system." *Id.* at col. 3, line 66 - col. 4, line 1.

Milton discloses the use of a single "system clock 23" in a recipient/subscriber's "message repository 11." *Milton* at FIG. 2 and cols. 2, lines 51-54. The system clock 23 is set to one predetermined time standard, such as Greenwich Mean Time. *Milton* at col. 1, lines 50-60; col. 3 lines 21-24. The system and method of *Milton* provide the recipient/subscriber with a delta time in days or hours and minutes between when the message originator left a voice-mail and when the recipient/subscriber listens to the voice-mail. *See, e.g.*, FIG. 4 and associated text.

The digital difference between [the time the voice-mail is listened to] and [the time the voice-mail is left] is then calculated at step 45, and the resultant time difference, delta time, is stored in a delta time memory 28 associated with the messaging platform. . . . then the delta time is converted to hours and minutes and the subscriber is provided with the amount of time, in hours and minutes, that has elapsed since the message originator inputted [*sic*] the message to the system.

Milton at cols. 3, line 60 - col. 4, line 1.

Milton's FIG. 2 illustrates the single system clock and the "delta time" concept as described above. The illustration of FIG. 2 does not provide any indication of the at least the elements which Applicant asserts are missing from *Milton*. The determination of a delta time between when the voice-mail is listened to and the time the voice-mail is left is not a disclosure of "determining a time zone associated with a detected location of the recipient . . ." or "determining a second time zone in which the mobile recipient is located . . ." as required by claims 1 and 7 of the application.

Mechling fails to overcome the deficiencies of *Milton*. *Mechling* relates to billing in telecommunications networks, and in particular to a system and method for improving efficiency in billing for mobile telecommunications services. *Mechling* uses timestamps in calls on a telecommunications network to determine call duration for billing purposes. See FIG. 4 and associated text at col. 10, lines 10-33. *Mechling* never discloses at least "determining a time zone associated with a detected location of the recipient . . ."; "determining a second time zone in which the mobile recipient is located . . ."; or "a time zone database identifying a time zone for the indicated location of the mobile location . . ." as recited in independent claims 1 or 7, respectively.

The Office Action cites the entire "Detailed Description of the Invention" and FIG. 2 of *Milton* in support of its rejections to independent claims 1 and 7. Applicant respectfully states that if these rejections are maintained, then specific citation to sections within the detailed description are requested. The Action has not provided sufficient specificity to allow the Applicant to identify any section(s) of *Milton*, either alone or in combination with *Mechling*, that would disclose or teach every element of independent claims 1 and 7.

For the reasons set forth above, Applicants submit that independent claims 1 and 7 define patentable subject matter. Claims 2 and 8-10 depend from independent claims 1 and 7, respectively, and therefore also define patentable subject matter. Accordingly, Applicants request that the § 102(e) rejection of claims 1-2 and the 103(a) rejections of claim 7-10 be withdrawn.

All pending claims are rejected under the judicially created doctrine of obviousness-type double patenting. Applicant respectfully points out that the scope of the pending claims may change because prosecution for this application is ongoing. Applicants submit that a terminal

disclaimer will be filed to obviate the double patenting rejection, if warranted, when the examiner indicates that, but for any double patenting rejections, the application is in condition for allowance.

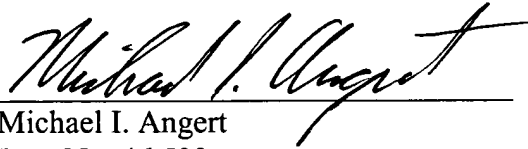
Conclusion:

The claims are allowable over the prior art for the reasons set forth above. A Notice to that effect is respectfully requested.

The Office is hereby authorized to charge all required fees, including all required claim fees under 37 C.F.R. §1.16 and/or all required extension of time fees under 37 C.F.R. §1.17, or credit any overpayments to Deposit Account 11-0600.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael I. Angert", written over a horizontal line.

Michael I. Angert
Reg. No. 46,522

Date: January 26, 2005

Kenyon & Kenyon
1500 K Street, NW, Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4393
Fax: (202) 220-4201